

Application Serial No.: 09/910,289
Attorney Docket No.: 01CON213P

REMARKS

This is in response to the *Non-Final* Office Action of October 3, 2005, where the Examiner has rejected claims 1-6, 8-18, 20, 21 and 23. Reconsideration and allowance of outstanding claims 1-6, 8-18, 20, 21 and 23 in view of the following remarks are requested.

A. Rejection of Claims 1-6, 8-11, 15-18, 20-21 and 23 under 35 USC §103(a)

The Examiner has rejected claims 1-6, 8-11, 15-18, 20-21 and 23, under 35 USC §103(a), as being unpatentable over Beale, et al. (US Publication No. 2003/0048839) ("Beale").

Applicant hereby swears behind the effective filing date of Beale, i.e. April 30, 2001, under 37 C.F.R. § 1.131. Under 37 C.F.R. § 1.131, the owner of the claimed invention may submit an appropriate declaration to overcome a reference. The showing of facts shall be such as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the effective date of the reference to a subsequent reduction to practice or to the filing of the application. See 37 C.F.R. § 1.131. Applicant respectfully submits that claims 1-6, 8-11, 15-18, 20-21 and 23 are allowable over Beale based on the following remarks.

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Pursuant to 37 C.F.R. § 1.131, attached is a declaration from Joseph H. Lee, the Chief IP Counsel at Conexant Systems, Inc., which is the owner of the above-referenced patent application, including a copy of an Innovation Disclosure. (Decl. ¶ 1.) The Innovation Disclosure describes the invention of the above-described patent application in Conexant Docket No. 01CXT0189C, entitled “Method for Dual Symbol Rate Burst Equalizer Training”, which was entered into the Conexant Innovation Disclosure Database, on February 28, 2001. (Decl. ¶ 3.)

The Examiner will note that the last page of the enclosed Innovation Disclosure clearly shows that the Innovation Disclosure was entered into the Innovation Disclosure Database, on February 28, 2001, which predates the effective filing date of Beale, i.e. April 30, 2001. Applicant respectfully submits that the Innovation Disclosure evidences that the inventors conceived and were in possession of the presently claimed subject matter on February 28, 2001. For example, the Innovation Disclosure reads: “The fundamental ideas are inserting zero decisions between the 2 Msps symbols to get 4Msps data and using a different main tap for 2 Msps data and 4 Msps data.”

Further, the Innovation Disclosure and also the filing date of the above-referenced patent application in the USPTO, i.e. July 19, 2001, evidence that the invention of the above-referenced application was reduced to practice in the United States using due diligence after conception. (Decl. ¶ 4.)

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Accordingly, applicant respectfully requests that the rejection of claims 1-6, 8-11, 15-18, 20-21 and 23, as being unpatentable over Beale, under 35 U.S.C. § 103(a), be withdrawn.

B. Rejection of Claims 12-14 under 35 USC §103(a)

The Examiner has rejected claims 12-14, under 35 USC §103(a), as being unpatentable over Beale in view of Sommer, et al. (US Patent No. 6,240,133) ("Sommer").

Applicant respectfully submits that claims 12-14 depend from claim 8, and should be allowed at least for the same reasons stated above in conjunction with patentability of claim 8.

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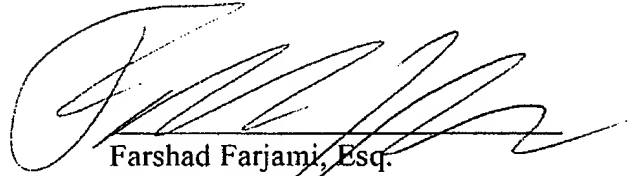
C. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1-6, 8-18, 20, 21 and 23 pending in the present application is respectfully requested.

Respectfully Submitted,
FARJAMI & FARJAMI LLP

Date:

12/21/05



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